

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION**

**ROSIE L. DAVIS, ET AL**

**PLAINTIFFS**

**v.**

**CASE NO. 4:88-cv-4082**

**WILLIAM DALE FRANKS, ET AL**

**DEFENDANTS**

**BRIEF IN SUPPORT OF  
MOTION FOR APPROVAL OF MAGNET SCHOOL PROGRAM**

This Memorandum Brief is submitted in support of the Motion for Approval of Magnet School Program (“Motion”) filed by the Defendant, Hope School District (“HSD”). For the reasons discussed herein, HSD respectfully requests that this Court grant its motion.

On April 18, 2022, HSD’s Board of Directors (“Board”) authorized the HSD Superintendent, Dr. Jonathan Crossley, to begin the process of applying for grant funding through the United States Department of Education’s Magnet School Assistance Program (“MSAP”) for the purpose of creating magnet programs within its schools. See Motion Exhibit 1, Board Resolution. The “driving force” of HSD’s grant proposal is “to provide educational opportunities for the approximately 2,200 kindergarten through twelfth grade students in Hope, Arkansas, and to bring back students from the private, parochial, and nearby rural public schools in spite of budgetary constraints.” See Motion Exhibit 2, Hope Magnet Overview.

HSD’s magnet school plan has the following objectives:

- (a) reducing and preventing minority group isolation among Black/African American and/or Hispanic students in the proposed magnet schools;
- (b) ensuring that all students attending the magnet schools meet challenging academic standards and are on track to be college- and career-ready;

- (c) ensuring that all students attending the magnet schools benefit from the magnet's educational offerings and have equal opportunities to gain magnet theme-specific value-added skills and knowledge; and
- (d) building the capacity within the magnet schools to provide rigorous, theme- and evidence-based instructional programs that will help promote choice and diversity in HPS.

HSD is now in the process of applying for funding through the MSAP. It is HSD's understanding that final funding decisions for the 2023-2024 school year will be made on or around October 1, 2022. HSD was recently informed by the United States Department of Education's Office of Civil Rights ("OCR") that, due to this Court's continuing jurisdiction of HSD's desegregation obligations, court approval of its magnet school application was required in order to continue with the grant approval process. Therefore, HSD hereby requests authorization to implement a magnet school program, which is more particularly described as follows:

- (a) Beginning with the 2023-2024 school year, HSD will organize its five schools serving grades K-12 as magnet schools with the following themes:

<b>School</b>	<b>Theme</b>
Clinton Primary Elementary School	STEAM
Beryl Henry Elementary School	Arts
Yerger Middle School	STEM
Hope Academy of Public Service	Public Service and Media Literacy
Hope High School	STEAM, Public Service, and Media Literacy

- (b) Each student will be allowed to designate the order of his or her preference of particular magnet schools, and thus their academic focus. All elementary students will continue to attend Clinton Primary Elementary School for grades K-4, and all high school students will attend Hope High

School for grades 9-12. HSD will use a random lottery process to select students for the two middle school pathways, Beryl Henry (grades 5-6) and Yerger Middle School (grades 7-8) and Hope Academy of Public Service (grades 5-8), which will take into account the capacity of the school and thematic strand, sibling preference, rank order of choice, and mother's level of education. At the elementary and high school level, the lottery process will take into account the capacity of the school, sibling preference, and mother's level of education.

(c) Three of the schools are experiencing high degrees of minority group isolation of Black students [Clinton Primary School, Beryl Henry Elementary School, and Yerger Middle School] and one is experiencing a high degree of minority group isolation of Hispanic students [Hope Academy of Public Service]. One objective of HSD's magnet school program is to reduce this racial isolation and entice students from surrounding districts and private schools to attend HSD.

HSD believes implementation of this magnet program is consistent with the January 8, 1990 consent decree's intention to "remedy any past discrimination based upon race and to prevent any like discrimination from occurring in the future." *See* Consent Decree, ¶ 3. Additionally, HSD intends to implement this magnet program with assignments made by lottery, not by "tracking" or "ability grouping," as prohibited by the Consent Decree (*see id.* ¶ 13), and in a "desegregated and integrated in fact" manner, in accordance with the Consent Decree (*see id.*). Finally, HSD intends to operate its magnet programs, as it operates all other "school programs, activities, assignments, and rewards[,] . . . pursuant to an affirmative inclusion policy which maximizes bi-racial pupil and

staff participation.” *See* Consent Decree, ¶ 15. HSD further requests that this Court retain continuing jurisdiction and supervision pursuant to this Court’s previous orders.

For the reasons stated herein, HSD respectfully requests that this motion be set for hearing at the Court’s earliest convenience in light of the fact that funding decisions will be made on or around October 1, 2022, and that it be authorized to implement the magnet program, obtain grant funding from the MSAP, and take all other actions necessary, reasonable, and appropriate to achieve those objectives.

Respectfully submitted,

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#### **CERTIFICATE OF SERVICE**

I, Whitney F. Moore, do hereby certify that on August 23, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to:

All counsel of record

**/s/ Whitney F. Moore**  
Whitney F. Moore